

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY BURTON,

Plaintiff,

vs.

FUNDMERICA, INC., a California corporation, and ROBERT BEEBE, an individual,

Defendants.

8:19-CV-119

ORDER

This matter is before the Court on the Magistrate Judge's findings and recommendation ([filing 28](#)) that the plaintiff's claims against defendant Robert Beebe be dismissed pursuant to [Fed. R. Civ. P. 4\(m\)](#) for failure to serve process. No objection has been filed to the findings and recommendation.

[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate's findings or recommendations. *See Peretz v. United States*, 501 U.S. 923, 939 (1991). The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. *Thomas v. Arn*, 474 U.S. 140, 149-51 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009). Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 28](#)) are adopted.

2. The plaintiff's claims against Robert Beebe are dismissed without prejudice.
3. Robert Beebe is terminated as a party.

Dated this 21st day of November, 2019.

BY THE COURT:



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John M. Gerrard  
Chief United States District Judge